

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

UNITED STATES OF AMERICA, et	:	CASE NO.: C-1-02-107
al.,	:	
	:	
Plaintiffs,	:	JUDGE S. ARTHUR SPIEGEL
	:	MAGISTRATE HOGAN
v.	:	
	:	REQUEST TO VACATE THE
	:	HEARING DATE FOR THE
BOARD OF HAMILTON COUNTY	:	BABARA RAINEY
COMMISSIONERS, et al.	:	REQUEST FOR REVIEW
	:	
Defendants.	:	

The City and County Defendants respectfully request this Court vacate the October 8, 2008 hearing date for the following reasons:

1. Ms. Rainey filed a Request for Review with the United States District Court Southern District of Ohio in April 2008.
2. The Water-in-Basement administrator Dotty Carman evaluated Ms. Rainey's claim and made an offer for damages on May 12, 2008 for \$ 19,978.00.
3. Ms. Rainey accepted the offer, signed a release of claims on May 17, 2008 and cashed the check on May 30, 2008. (Signed release and check attached as exhibit a-b.)
4. The City of Cincinnati respectfully requests this Court vacate the October 8, 2008 and permit the executed release to stand.

Respectfully submitted,

John P. Curp (0064782)
City Solicitor

/s/ Nicole L. Sanders
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Trial attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2008 a true and accurate copy of the foregoing Response was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Nicole L. Sanders
Nicole L. Sanders (0077186)
Assistant City Solicitor